

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

FILED  
CHARLOTTE, NC  
SEP 27 2013

DOCKET NO. 3:10CR163-FDW

US District Court  
Western District of NC

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
(I) MAIDA PONCE, )  
 )  
Defendant. )  
 )  
\_\_\_\_\_  
PETITION OF MARQUISE'S )  
INVESTMENTS, LLC; JULIA MESA; )  
AND JULIAN MESA )  
 )  
\_\_\_\_\_  
PETITION OF EBERTO PONCE )  
\_\_\_\_\_ )

**CONSENT ORDER AND  
JUDGMENT OF FORFEITURE  
OF SUBSTITUTE RES**

THIS MATTER is before the Court by consent of the United States of America, by and through Anne M. Tompkins, United States Attorney; petitioner Eberto Ponce ("Mr. Ponce"); petitioner Marquise's Investments, LLC, ("Marquise's"); and petitioners Julia Mesa and Julian Mesa ("the Mesas"), pursuant to Fed. R. Crim. P. 32.2(c). The government and petitioners have consented to this order as a settlement of all matters with regard to the following property (the "subject property") listed in the Order of Forfeiture and Preliminary Order of Forfeiture (the "Preliminary Order") filed herein on February 1, 2012: real property located at 4059 Shadowind Way (aka Shadowing Way), Gotha, Florida, titled in the names of Eberto Ponce and Maida Ponce, as more particularly described in deeds recorded at Book 7529, Page 2352, and Book 9842, Page 1202, in the Office of the Comptroller, Orange County, Florida.

The government and petitioner have stipulated and agreed and the Court finds as follows:

1. Petitioners have filed timely petitions in response to the Order and the Court has jurisdiction over the subject property.

2. Defendant Maida Ponce ("defendant") has or had a legal ownership interest in the subject property that is subject to forfeiture under the applicable statutes. Although defendant's interest has been forfeited, record title to the subject property is in the name of "Eberto Ponce and Maida Ponce, husband and wife."

3. The United States and all petitioners have agreed to a settlement regarding forfeiture and the interests asserted by petitioners, subject to the Court's approval, as follows:

(a) Petitioners will tender an official check to the United States in the amount of \$40,000, payable to the United States Marshals Service. The check will be forfeited as a substitute res for defendant's interest in the subject property. All right, title and interest in the check will be forfeited to the United States. Upon receipt of the check and entry of this consent judgment, the United States shall release the Government's Notice of Lis Pendens filed on September 8, 2010, at Book 10100, Page 6000, in the Office of the Comptroller, Orange County, Florida. In addition, the Preliminary Order shall be amended by deleting the subject property, and the government's claim to the subject property shall be dismissed.

(b) The petitions shall be granted to the extent that forfeiture of the subject property shall be dismissed and the official check for \$40,000 shall be forfeited as a substitute res.

(c) Petitioners hereby release and forever discharge the United States, its agents, servants and employees, its successors or assigns, and all state or local governmental entities or law enforcement agencies in North Carolina and their agents, servants and employees, their heirs, successors, or assigns, from any and all actions, causes of action, suits, proceedings, debts, dues, contracts, judgments, damages, claims, and/or demands whatsoever in law or equity which petitioner or her heirs, successors, or assigns ever had, now have, or may have in the future in connection with this investigation, prosecution, and forfeiture.

IT IS THEREFORE ORDERED:

1. The terms and conditions of the settlement of the parties are approved and incorporated herein.
2. The parties shall proceed with settlement as provided above.
3. Upon completion of the settlement as set forth above, the preliminary order shall be amended to delete the subject property and to provide that all right, title and interest in the official check for \$40,000 is

forfeited to the United States as a substitute res, for disposition according to law, and the government's forfeiture claim and the petitions regarding the subject property shall be dismissed with prejudice.

4. Each party shall bear its own costs in this ancillary forfeiture proceeding, including attorney fees.

ON MOTION OF AND BY CONSENT OF THE PARTIES:

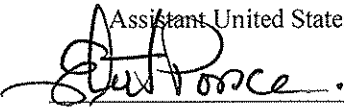
FOR THE UNITED STATES OF AMERICA:

ANNE M. TOMPKINS  
UNITED STATES ATTORNEY

BY:   
WILLIAM A. BRAFFORD


Date: Sept. 23, 2013

Assistant United States Attorney

  
EBERTO PONCE

Date: 9-10-13


MARQUISE'S INVESTMENTS LLC

BY:   
JULIA MESA

Date: 9-10-13

BY:   
JULIAN MESA

Date: 9-10-13

  
JULIA MESA, individually

Date: 9-10-13

JULIAN MESA, individually


Date: 9-10-13

ALEXANDER ANGUEIRA

Attorney for Marquise's Investments LLC, Julia Mesa, and Julian Mesa

Date: 9.18.13

IT IS SO ORDERED, this the 27<sup>th</sup> day of September, 2013.



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FRANK D. WHITNEY  
CHIEF UNITED STATES DISTRICT JUDGE